



RHODE ISLAND DEPARTMENT OF HUMAN SERVICES OFFICE OF REHABILITATION SERVICES

Mediation Fact Sheet

Mediation is an option available to you through your Due Process rights when you are dissatisfied with a decision made by the Office of Rehabilitation Services (ORS) which affects the provision of vocational rehabilitation services. Mediation is a problem-solving process which, if both you (and, as appropriate, your representative) and the ORS representative agree, will help you and ORS to communicate better and develop creative solutions to the problem or disagreement. Mediation may resolve part or all of the problem.

Who Conducts Mediation? A mediator is an individual trained in mediation, who is fair and neutral, and who also understands the vocational rehabilitation law and program regulations. ORS maintains a list of mediators who are assigned on a rotating basis. The mediation session may be conducted by one mediator (or by two (2) mediators in a process called co-mediation).

Who is Present in a Mediation Session? You have the right to invite other parties, including a legal representative, but the sessions are focused on the two parties who have a disagreement.

Is Mediation Confidential? Confidentiality is maintained in accordance with federal law concerning mediation. Mediation discussions, notes, and material are confidential. Mediators do not testify in impartial due process hearings or court regarding matters heard in mediation. If you choose to pursue an impartial due process hearing, you will need to present your evidence again to the hearing officer even if you have previously provided it in mediation.

How Do I Request Mediation? Mediation must be requested in writing within thirty (30) days of the decision with which you are dissatisfied. You need to be aware that even when you request mediation to resolve your disagreement, your request for an impartial due process hearing (if so desired) must also be made within the thirty (30) days of the original decision that you are disputing.

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Can I Request Mediation and an Impartial Due Process Hearing at the Same Time? Yes. Choosing mediation does not stop your right to present your views to an Impartial Hearing Officer. However, you need to be aware of time requirements related to your due process rights.

What are the Time Requirements? Mediation and/or an Impartial Hearing must be requested within thirty (30) days of the date of the written decision by ORS that you are disputing.

What Happens When Both Impartial Hearing and Mediation are Requested?

You will be contacted by the Mediation Intake Worker and scheduled for a mediation session within fifteen (15) days of the request. You will be scheduled for the Impartial Hearing by the Department of Human Services Hearing Office between approximately thirty (30) and forty-five (45) days from the request. The Hearing Office has time lines but also is aware that mediation may result in an agreement between both parties. If you are unable to keep the appointment for mediation for any reason, please contact Sharon DiPinto at 421-7005 ext. 318.

What Happens When Only Mediation is Requested? The mediation session will take place within fifteen (15) days of your request. If agreement is not reached, or you do not think it will be reached, you can request an impartial due process hearing as long as your request is made within thirty (30) days of the date of the original written notice of the ORS decision. It is your responsibility to make your request within the time permitted.

How is Agreement Reached? Agreement must be reached by both parties. It is possible that mediation could result in a partial agreement if there are several issues to be resolved. A Mediation Agreement will be written to define the agreement and will be signed by both parties. The Mediation Agreement, or a statement of non-agreement, will be provided to all parties and will be included in your case file.

**FOR MORE INFORMATION OR IF YOU HAVE QUESTIONS, CONTACT YOUR
COUNSELOR OR**

**STEPHEN BRUNERO, DEPUTY ADMINISTRATOR, AT 401 421-7005 EXT.
354 (VOICE), 401 421-7016 (TDD) OR STEVEB@ORS.STATE.RI.US.**